

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**June 2, 2005**

## DIVISION TWO

B171856 People (Not for Publication)  
v.  
Lockhart

The judgment is affirmed.

Boren, P.J.

We concur: Doi Todd, J.  
Ashmann-Gerst, J.

B174154 People (Not for Publication)  
v.  
Candler

The judgment is affirmed.

Boren, P.J.

We concur: Ashmann-Gerst, J.  
Nott, J. (Assigned)

B175413      Jimenez      (Not for Publication)  
v.  
County of Los Angeles et al.

The judgment is affirmed.

Boren, P.J.

We concur:   Doi Todd, J.  
                   Ashmann-Gerst, J.

DIVISION TWO (Continued)

B175507      CA Financial Credit Assoc.      (Not for Publication)  
                 v.  
                 Rolapp

The judgment is affirmed.

Boren, P.J.

We concur:    Doi Todd, J.  
                 Ashmann-Gerst, J.

B174413      Commercial Union Ins. Co.      (Not for Publication)  
                 v.  
                 Daimler Chrysler Insurance

The judgment is affirmed.

Boren, P.J.

We concur:    Ashmann-Gerst, J.  
                 Nott, J. (Assigned)

B174501      Kozub et al.      (Not for Publication)  
                 v.  
                 City of Pomona

The judgment is reversed.

Boren, P.J.

We concur:    Doi Todd, J.  
                 Nott, J. (Assigned)

DIVISION TWO (Continued)

B171323      Borselle                      (Not for Publication)  
                 v.  
                 Tolt

The judgment is affirmed. Costs on appeal are awarded to respondents.

Boren, P.J.

We concur:    Doi Todd, J.  
                 Ashmann-Gerst, J.

B175254      People                              (Not for Publication)  
                 v.  
                 Williams

The judgment is affirmed.

Ashmann-Gerst, J.

We concur:    Boren, P.J.  
                 Nott, J. (Assigned)

B178946      People                              (Not for Publication)  
                 v.  
                 Acevedo

The judgment is affirmed.

Ashmann-Gerst, J.

We concur:    Doi Todd, Acting P.J.  
                 Nott, J. (Assigned)

## DIVISION TWO (Continued)

[illegible]

The judgment is modified to stay the sentence on count 1 for stalking and is otherwise affirmed. The trial court is ordered on remand to modify the abstract of judgment to reflect the modification.

Boren, P.J.

We concur: Ashmann-Gerst, J.  
Nott, J. (Assigned)

B176742      PC Mall Inc.      (Not for Publication)  
v.  
Colonial Pacific Leasing Corporation

The judgment is reversed. Colonial shall recover its costs on appeal.

Ashmann-Gerst, J.

We concur:   Boren, P.J.  
                  Nott, J. (Assigned)

B173543 Williams (Not for Publication)  
v.  
Miller

Summary judgment is affirmed. Dr. Miller shall recover her hosts on appeal.

Ashmann-Gerst, J.

We concur: Boren, P.J.  
Nott, J. (Assigned)

DIVISION SIX

B173111 Estrada, et al., (Not for Publication)  
v.  
Celestine, et al.,

The judgment is affirmed. Costs to respondents.

Yegan, Acting P.J.

We concur: Coffee, J.  
Perren, J.

DIVISION EIGHT

B175694 People (Not for Publication)  
v.  
Sirgio D.,

Accordingly, condition 21 of the order of probation is modified to read:  
"Do not use or possess narcotics, controlled substances, poisons, or related  
paraphernalia; stay away from places where you know users congregate."  
As so modified, the judgment is affirmed.

Flier, J.

We concur: Cooper, P.J.  
Rubin, J.

B178686 Franks (Not for Publication)  
v.  
Fireman's Fund Insurance Company

The judgment is affirmed. Respondent is to recover its costs on appeal.

Flier, J.

We concur: Cooper, P.J.  
Rubin, J.

## DIVISION EIGHT (Continued)

B173342 People (Not for Publication)  
v.  
Williams

In accordance with the views expressed herein, the judgment is hereby modified to (1) impose rather than stay the 25-years-to-life enhancement on count 2 pursuant to section 12022.53(d); (2) strike the one-year prior prison term enhancement, which was imposed pursuant to section 667.5, subdivision (b); (3) reflect that the 16-month term on count 5 results from one-third of the two-year midterm (eight months), doubled to 16 months pursuant to the Three Strikes law; (4) strike the references in the abstract to stayed section 12022.53(c) enhancements on counts 1 and 2; and (5) add the 322 days actual time which appellant spent in custody prior to sentencing. The superior court is directed to send a corrected abstract reflecting these changes to the Department of Corrections. In all other respects, the judgment is affirmed.

Flier, J.

We concur: Cooper, P.J.  
Rubin, J.